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9 **Attorneys for Plaintiff**
10 **J & J Sports Productions, Inc.**

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **OAKLAND DIVISION**

14 **J & J SPORTS PRODUCTIONS, INC.,**

15 **Plaintiff,**

16 **v.**

17 **LINH T. QUACH, et al.**

18 **Defendant.**

19 **CASE NO. 4:13-cv-02399-CW**

20 **PLAINTIFF'S *EX PARTE***
21 **APPLICATION FOR AN ORDER**
22 **EXTENDING TIME TO COMPLETE**
23 **SERVICE; AND ORDER**

24 **TO THE HONORABLE CLAUDIA WILKEN, THE DEFENDANT AND HIS**
25 **ATTORNEY/S OF RECORD:**

26 Plaintiff J & J Sports Productions, Inc., hereby applies *ex parte* for an order extending time to
27 complete service. As set forth below Plaintiff respectfully requests that the Court extend the time to
28 complete service to a new date approximately thirty (30) to forty-five (45) days forward.

29 The request for the brief continuance is necessitated by the fact that Plaintiff has not yet
30 perfected service of the initiating suit papers upon the Defendant Linh T. Quach, individually and
31 d/b/a Men Say Restaurant. As of this writing, Plaintiff's process server has made twenty four (24)
32 different attempts to serve defendant Linh T. Quach with its suit papers. These attempts have been
33 unsuccessful despite diligent efforts. (Please find a true and correct copy of the process server's

34 Status Reports attached hereto and made part hereof as Plaintiff's Exhibit 1).

35 **PLAINTIFF'S *EX PARTE* APPLICATION FOR AN ORDER**
36 **EXTENDING TIME TO COMPLETE SERVICE; AND ORDER (Proposed)**
37 **CASE NO. 4:13-cv-02399-CW**

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2 Plaintiff recently identified an alternative address that it believes will be successful to serve
3 its initiating suit papers, upon the Defendants.

4
5 **WHEREFORE**, Plaintiff respectfully requests that this Honorable Court permit an additional
6 thirty (30) to forty-five (45) days from today's date to effectuate service of the Summons and
7 Complaint filed in this matter, or to file a motion for service by publication, or in the alternative, a
8 Notice of Voluntary Dismissal as to Defendants.

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11 Respectfully submitted,

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14 Dated: October 1, 2013

/s/ Thomas P. Riley

LAW OFFICES OF THOMAS P. RILEY, P.C.

By: Thomas P. Riley

Attorneys for Plaintiff

J & J Sports Productions, Inc.

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Plaintiff is granted an additional forty-five (45) days from today's date to effectuate service of the Summons and Complaint filed in this matter, or to file a motion for service by publication, or in the alternative, a Notice of Voluntary Dismissal as to Defendant Linh T. Quach, individually and d/b/a Men Say Restaurant, where service has not been made or service by publication requested.

Plaintiff shall serve a copy of this Order on the Defendant and thereafter file a Certification of Service of this Order with the Clerk of the Court.

IT IS SO ORDERED:


THE HONORABLE CLAUDIA WILKEN
United States District Court
Northern District of California

Dated: 10/7/2013

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1 **PROOF OF SERVICE (SERVICE BY MAIL)**

2 I declare that:

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4 I am employed in the County of Los Angeles, California. I am over the age of eighteen
5 years and not a party to the within cause; my business address is First Library Square, 1114
6 Fremont Avenue, South Pasadena, California 91030. I am readily familiar with this law firm's
7 practice for collection and processing of correspondence/documents for mail in the ordinary course
8 of business.

9 On October 7, 2013, I caused to serve the following documents entitled:

10 **PLAINTIFF'S *EX PARTE* APPLICATION FOR AN ORDER CONTINUING**
11 **EXTENDING TIME TO COMPLETE SERVICE; AND ORDER (Proposed)**

12 On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage
13 prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

14
15 Linh T. Quach (Defendant)
16 2376 Senter Road
17 San Jose, CA 95112

18 The fully sealed envelope with pre-paid postage was thereafter placed in our law firm's
19 outbound mail receptacle in order that this particular piece of mail could be taken to the United States
20 Post Office in South Pasadena, California later this day by myself (or by another administrative
21 assistant duly employed by our law firm).

22
23 I declare under the penalty of perjury pursuant to the laws of the United States that the
24 foregoing is true and correct and that this declaration was executed on October 7, 2013, at South
25 Pasadena, California.

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27 Dated: October 7, 2013

28 /s/ Stefanie Martinez
STEFANIE MARINEZ